

Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (codified version) (Text with EEA relevance)

CHAPTER II

RULES FOR INTRA-COMMUNITY TRADE

Article 3

1 Member States shall submit to the Commission by 1 July 1991 a plan describing the national measures which they intend to implement to ensure compliance with the rules set out in Annex II for the approval of establishments for the purposes of intra-Community trade in poultry and hatching eggs.

The Commission shall examine the plans. In accordance with the procedure referred to in Article 33(2), those plans may be approved, or amendments or additions made, before approval is given.

2 In accordance with the procedure referred to in Article 33(2), amendments or additions to a plan which has been approved in accordance with the second subparagraph of paragraph 1 of this Article may be:

- a approved at the request of the Member State concerned, in order to take account of a change in the situation in that Member State, or
- b requested, in order to take account of progress in methods of disease prevention and control.

Article 4

Each Member State shall designate a national reference laboratory to be responsible for coordinating the diagnostic methods provided for in this Directive and their use by the approved laboratories located in its territory.

Each Member State shall make the details of its national reference laboratory, and any subsequent changes, available to the other Member States and to the public.

Detailed rules for the uniform application of this Article may be adopted in accordance with the procedure referred to in Article 33(2).

Article 5

In order to be traded in the Community:

- (a) hatching eggs, day-old chicks, breeding poultry and productive poultry shall satisfy the conditions laid down in Articles 6, 15, 18 and 20. They shall also satisfy any conditions laid down pursuant to Articles 16 and 17.

In addition:

- (i) hatching eggs shall satisfy the conditions laid down in Article 8;
- (ii) day-old chicks shall satisfy the conditions laid down in Article 9;
- (iii) breeding poultry and productive poultry shall satisfy the conditions laid down in Article 10;

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- (b) slaughter poultry shall fulfil the conditions set out in Articles 11, 15, 18 and 20 and those laid down pursuant to Articles 16 and 17;
- (c) poultry (including day-old chicks) intended for restocking supplies of game shall fulfil the conditions set out in Articles 12, 15, 18 and 20 and those laid down pursuant to Articles 16 and 17;
- (d) as regards salmonella, poultry intended for Finland and Sweden shall fulfil the conditions laid down pursuant to Article 13.

Article 6

Hatching eggs, day-old chicks, breeding poultry and productive poultry shall come from:

- (a) establishments which fulfil the following requirements:
 - (i) they must be approved and given a distinguishing number by the competent authority, in accordance with the rules set out in Chapter I of Annex II;
 - (ii) they must not, at the time of consignment, be the subject of any animal health restrictions applicable to poultry;
 - (iii) they must not be located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of the outbreak of a disease to which poultry is susceptible;
- (b) a flock which at the time of consignment presents no clinical sign or suspicion of contagious poultry disease.

Article 7

Each Member State shall draw up and keep up-to-date a list of establishments approved in accordance with point (a)(i) of Article 6 and their distinguishing numbers, and shall make it available to the other Member States and to the public.

Detailed rules for the uniform application of this Article may be adopted in accordance with the procedure referred to in Article 33(2).

Article 8

- 1 At the time of consignment, hatching eggs shall:
 - a come from flocks which:
 - (i) have been held for more than six weeks in one or more Community establishments as referred to in Article 6(a)(i);
 - (ii) if vaccinated, have been vaccinated in accordance with the vaccination conditions in Annex III;
 - (iii) have either:
 - undergone an animal health examination carried out by an official veterinarian or an authorised veterinarian during the 72 hours preceding consignment and, at the time of the examination, have shown no clinical sign or suspicion of contagious disease, or
 - had a monthly health inspection visit by an official veterinarian or an authorised veterinarian, the most recent visit having been within 31 days of consignment. If this option is chosen there shall also be an

examination by the official veterinarian or authorised veterinarian of the records of the health status of the flock and an evaluation of its current health status as assessed by up-to-date information supplied by the person in charge of the flock during the 72 hours preceding consignment. In a case where records or other information give rise to suspicion of disease, the flocks shall have had an animal health examination by the official veterinarian or authorised veterinarian that has ruled out the possibility of contagious poultry disease;

- b be marked in accordance with Regulation (EC) No 617/2008;
- c have been disinfected in accordance with the instructions of the official veterinarian.

2 If contagious poultry diseases which may be transmitted through eggs develop in the flock which supplied the hatching eggs during the period of their incubation, the hatchery involved and the authority or authorities responsible for the hatchery and the flock of origin shall be notified.

Article 9

Day-old chicks shall:

- (a) have been hatched from hatching eggs satisfying the requirements of Articles 6 and 8;
- (b) satisfy the vaccination conditions in Annex III, if they have been vaccinated;
- (c) present, at the time of consignment, no suspicion of diseases on the basis of Annex II, Chapter II, B2(g) and (h).

Article 10

At the time of consignment, breeding poultry and productive poultry shall:

- (a) have been held since hatching or for more than six weeks in one or more Community establishments as referred to in Article 6(a)(i);
- (b) satisfy the vaccination conditions in Annex III, if they have been vaccinated;
- (c) have been submitted to a health examination by an official veterinarian or authorised veterinarian during the 48 hours preceding consignment and, at the time of the examination, have presented no clinical sign or suspicion of contagious poultry disease.

Article 11

At the time of the consignment, slaughter poultry shall have come from a holding:

- (a) where they have been held since hatching or for more than 21 days;
- (b) which is not the subject of any animal health restrictions applicable to poultry;
- (c) where the health examination carried out by the official veterinarian or authorised veterinarian during the five days preceding dispatch on the flock from which the consignment to be slaughtered is to be drawn has not revealed within that flock any clinical sign or suspicion of contagious poultry disease;
- (d) which is not located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of the outbreak of a disease to which poultry is susceptible.

Article 12

- 1 At the time of consignment, poultry over 72 hours old intended for restocking supplies of wild game shall have come from a holding:
- a where it has been held since hatching or for more than 21 days and where it has not been placed in contact with newly-arrived poultry during the two weeks preceding consignment;
 - b which is not the subject of any animal health restrictions applicable to poultry;
 - c where the health examination carried out by the official veterinarian or authorised veterinarian during the 48 hours preceding dispatch on the flock from which the consignment is to be drawn has not revealed within that flock any clinical sign or suspicion of contagious poultry disease;
 - d which is not located in an area which for animal health reasons is subject to prohibition in accordance with Community legislation as a result of an outbreak of disease to which poultry is susceptible.
- 2 Article 6 shall not apply to the poultry referred to in paragraph 1.

Article 13

- 1 As regards salmonella and in respect of serotypes not mentioned in Annex II, Chapter III(A), consignments of poultry for slaughter for Finland and Sweden shall be subject to a microbiological test by sampling in the establishment of origin in accordance with Council Decision 95/410/EC of 22 June 1995 laying down the rules for the microbiological testing by sampling in the establishment of origin of poultry for slaughter intended for Finland and Sweden⁽¹⁾.
- 2 The range of the test referred to in paragraph 1 and the methods to be adopted shall be determined in the light of the opinion of the European Food Safety Authority and of the operational programme which Finland and Sweden must submit to the Commission.
- 3 The test referred to in paragraph 1 shall not be carried out for slaughter poultry from a holding subject to a programme recognised as equivalent to that referred to in paragraph 2 in accordance with the procedure referred to in Article 33(2).

Article 14

- 1 The requirements of Articles 5 to 11 and 18 shall not apply to intra-Community trade in poultry and hatching eggs in respect of consignments comprising fewer than 20 units provided that they comply with paragraph 2 of this Article.
- 2 Poultry and hatching eggs as referred to in paragraph 1 shall, at the time of consignment, have come from flocks which:
- a have been held in the Community since hatching or for at least three months;
 - b present no clinical signs of a contagious poultry disease at the time of consignment;
 - c satisfy the vaccination conditions in Annex III, if they have been vaccinated;
 - d are not the subject of any animal health restrictions applicable to poultry;
 - e are not located in an area which for animal health reasons is subject to restrictive measures in accordance with Community legislation as a result of an outbreak of disease to which poultry is susceptible.

All birds in the consignment shall have been found negative in serological tests for *Salmonella pullorum* and *Salmonella gallinarum* antibodies, in accordance with Annex II, Chapter III, in the month preceding the consignment. In the case of hatching eggs or day-old chicks, the flock of origin shall be tested serologically for *Salmonella*

pullorum and *Salmonella gallinarum* in the three months preceding the consignment at a level which gives 95 % confidence of detecting infection at 5 % prevalence.

3 The provisions of paragraphs 1 and 2 shall not apply to consignments containing ratites or hatching eggs of ratites.

Article 15

1 In the case of consignments of poultry and hatching eggs from Member States or regions of Member States which vaccinate poultry against Newcastle disease to a Member State or region of a Member State the status of which has been established in accordance with paragraph 2, the following rules shall apply:

- a hatching eggs shall come from flocks which are:
 - (i) not vaccinated, or
 - (ii) vaccinated using inactivated vaccine, or
 - (iii) vaccinated using a live vaccine, provided that vaccination has taken place at least 30 days before the collection of the hatching eggs;
- b day-old chicks (including chicks intended for restocking supplies of game) shall not be vaccinated against Newcastle disease, and shall come from:
 - (i) hatching eggs satisfying the conditions in point (a), and
 - (ii) a hatchery where working practice ensures that such eggs are incubated at completely separate times and locations from eggs not satisfying the conditions in point (a);
- c breeding and productive poultry shall:
 - (i) not be vaccinated against Newcastle disease, and
 - (ii) have been isolated for 14 days before consignment, at either a holding or a quarantine station under the supervision of the official veterinarian. In this connection, no poultry at the holding of origin or quarantine station, as applicable, may have been vaccinated against Newcastle disease during the 21 days preceding consignment and no bird which is not due for consignment may have entered the holding or the quarantine station during that time; in addition, no vaccination may be carried out in the quarantine stations, and
 - (iii) have undergone, during the 14 days preceding consignment, representative serological testing, with negative results, to detect Newcastle disease antibodies in accordance with detailed rules adopted in accordance with the procedure referred to in Article 33(2);
- d slaughter poultry shall come from flocks which:
 - (i) if not vaccinated against Newcastle disease, satisfy the requirements of point (c)(ii);
 - (ii) if vaccinated, have undergone, during the 14 days preceding consignment and on the basis of a representative sample, a test to isolate Newcastle disease virus complying with detailed rules adopted in accordance with the procedure referred to in Article 33(2).

2 If a Member State or a region or regions of Member State wish to be established as Newcastle disease non-vaccinating they may present a programme as referred to in Article 16(1).

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The Commission shall examine the programmes presented by the Member States. The programmes may be approved, in compliance with the criteria referred to in Article 16(1), in accordance with the procedure referred to in Article 33(2). Any additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the same procedure.

Where a Member State or a region of a Member State considers it has achieved Newcastle disease non-vaccinating status, an application may be made to the Commission for Newcastle disease non-vaccinating status to be established in accordance with the procedure referred to in Article 33(2).

The elements to be taken into account for determination of a Member State's or region's status as Newcastle disease non-vaccinating shall be the data referred to in Article 17(1) and, in particular, the following criteria:

- a vaccination against Newcastle disease in poultry shall not have been authorised for the preceding 12 months, except for the compulsory vaccination of racing pigeons referred to in Article 17(3) of Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease⁽²⁾;
- b breeding flocks shall have been serologically monitored at least once a year for the presence of Newcastle disease according to the detailed rules adopted in accordance with the procedure referred to in Article 33(2);
- c the holdings shall contain no poultry which has been vaccinated against Newcastle disease in the previous 12 months, with the exception of racing pigeons vaccinated pursuant to Article 17(3) of Directive 92/66/EEC.

3 The Commission may suspend Newcastle disease non-vaccinating status in accordance with the procedure referred to in Article 33(2) in the event of either:

- a a serious epizootic of Newcastle disease which is not being brought under control; or
- b the removal of the legislative restrictions prohibiting systematic recourse to routine vaccination against Newcastle disease.

Article 16

1 Where a Member State draws up or has drawn up a voluntary or compulsory control programme for a disease to which poultry are susceptible, it may present the programme to the Commission, outlining in particular:

- a the distribution of the disease in its territory;
- b the reasons for the programme, taking into consideration the importance of the disease and the programme's likely benefit in relation to its cost;
- c the geographical area in which the programme will be implemented;
- d the status categories to be applied to poultry establishments, the standards which must be attained in each category, and the test procedures to be used;
- e the programme monitoring procedures;
- f the action to be taken if, for any reason, an establishment loses its status;
- g the measures to be taken if the results of the tests carried out in accordance with the provisions of the programme are positive.

2 The Commission shall examine the programmes presented by the Member States. The programmes may be approved, in compliance with the criteria referred to in paragraph 1, in accordance with the procedure referred to in Article 33(2). Any additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the same procedure. Such guarantees shall not exceed those required by the Member State in its own territory.

3 Programmes submitted by Member States may be amended or supplemented in accordance with the procedure referred to in Article 33(2). Amendments or additions to programmes which have already been approved or to guarantees which have been defined in accordance with paragraph 2 of this Article may be approved in accordance with the same procedure.

Article 17

1 Where a Member State considers that its territory or part of its territory is free from one of the diseases to which poultry are susceptible, it shall present to the Commission appropriate supporting documentation, setting out in particular:

- a the nature of the disease and the history of its occurrence in that Member State;
- b the results of surveillance testing based on serological, microbiological or pathological investigations and on the fact that the disease must by law be notified to the competent authorities;
- c the period over which the surveillance was carried out;
- d where applicable, the period during which vaccination against the disease has been prohibited and the geographical area concerned by the prohibition;
- e the arrangements for verifying that the area concerned remains free from the disease.

2 The Commission shall examine documentation submitted by Member States. The additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the procedure referred to in Article 33(2). Such guarantees shall not exceed those required by the Member State in its own territory.

3 The Member State concerned shall notify the Commission of any change in the particulars specified in paragraph 1. The guarantees defined pursuant to paragraph 2 may, in the light of such notification, be amended or withdrawn in accordance with the procedure referred to in Article 33(2).

Article 18

1 Day-old chicks and hatching eggs shall be transported in either:

- a unused purpose-designed disposable containers to be used only once and then destroyed; or
- b containers which may be re-used provided they are cleaned and disinfected beforehand.

2 In any event the containers referred to in paragraph 1 shall:

- a contain only day-old chicks or hatching eggs of the same species, category and type of poultry, coming from the same establishment;
- b be labelled with:
 - (i) the name of the Member State and region of origin;
 - (ii) the establishment of origin's approval number as provided for in Annex II, Chapter I(2);
 - (iii) the number of chicks or eggs in each box;
 - (iv) the poultry species to which the eggs or chicks belong.

3 Boxes holding day-old chicks or hatching eggs may be grouped for transport in appropriate containers. The number of boxes thus grouped and the indications referred to in paragraph 2(b) shall be shown on those containers.

4 Breeding and productive poultry shall be transported in crates or cages:

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- a which contain only poultry of the same species, categories and type, coming from the same establishment;
- b bearing the approval number of the establishment of origin as provided for in Annex II, Chapter I(2).

5 Breeding and productive poultry and day-old chicks shall be conveyed without delay to the establishment of destination, without coming into contact with other live birds, except breeding and productive poultry or day-old chicks satisfying the conditions laid down in this Directive.

Slaughter poultry shall be conveyed without delay to the slaughterhouse of destination, without coming into contact with other poultry, except slaughter poultry satisfying the conditions laid down in this Directive.

Poultry intended for restocking supplies of game shall be conveyed without delay to the point of destination without coming into contact with other poultry except poultry intended for restocking supplies of game satisfying the conditions laid down in this Directive.

- 6 Crates, cages and vehicles shall be designed so as to:
- a preclude the loss of excrement and minimise the loss of feathers during transit;
 - b allow visual inspection of the poultry;
 - c allow cleansing and disinfection.

7 The vehicles and, if they are not disposable, the containers, crates and cages shall, before loading and unloading, be cleansed and disinfected in accordance with the instructions of the competent authority of the Member State concerned.

Article 19

Poultry as referred to in Article 18(5) may not be transported through areas infected with avian influenza or Newcastle disease, unless by trunk road or rail.

Article 20

In trade between Member States, poultry and hatching eggs shall, during transportation to the place of destination, be accompanied by a veterinary certificate which:

- (a) conforms with the appropriate model laid down in Annex IV, completed in accordance with Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin⁽³⁾;
- (b) is signed by an official veterinarian;
- (c) is drawn up on the date of loading in the official language or languages of the Member State of dispatch and in the official language or languages of the Member State of destination;
- (d) is valid for five days;
- (e) consists of a single sheet;
- (f) is normally made out for a single consignee;
- (g) bears a stamp and a signature of a different colour from that of the certificate.

Article 21

The Member States of destination may, in compliance with the general provisions of the Treaty, grant one or more Member States of dispatch general authorisations or authorisations limited to specific cases permitting entry into their territory of poultry and hatching eggs without the certificate provided for in Article 20.

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- (1) OJ L 243, 11.10.1995, p. 25.
- (2) OJ L 260, 5.9.1992, p. 1.
- (3) OJ L 94, 31.3.2004, p. 44.